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### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

### CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s):	Marketa Akinwande	Case No: 17-33795-KRH
This plan, dated	31, 2017 , is:	
□ a	he <i>first</i> Chapter 13 plan filed in this case.  a modified Plan, which replaces the  □confirmed or □unconfirmed Plan dated.  Date and Time of Modified Plan Confirming Hearing:	

The Plan provisions modified by this filing are:

Place of Modified Plan Confirmation Hearing:

Creditors affected by this modification are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing. If no objections are timely filed, a confirmation hearing will NOT be held.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$66,651.00

Total Non-Priority Unsecured Debt: \$1,439.00

Total Priority Debt: **\$0.00**Total Secured Debt: **\$43,946.75** 

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- **1. Funding of Plan.** The debtor(s) propose to pay the trustee the sum of \$370.00 Monthly for 60 months. Other payments to the Trustee are as follows: **NONE** . The total amount to be paid into the plan is \$ 22,200.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
  - A. Administrative Claims under 11 U.S.C. § 1326.
    - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
    - 2. Debtor(s)' attorney will be paid \$\_5,126.00 balance due of the total fee of \$\_5,151.00 concurrently with or prior to the payments to remaining creditors.
  - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u> <u>Type of Priority</u> <u>Estimated Claim</u> <u>Payment and Term</u>

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
  - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>

#### B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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#### C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor Collateral Description Adeq. Protection Monthly Payment To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Approx. Bal. of Debt or <u>Creditor</u> Collateral <u>"Crammed Down" Value" Rate</u> Monthly Paymt & Est. Term\*\*

#### E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

#### 4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately <u>14</u> %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately <u>0</u> %.
- B. Separately classified unsecured claims.

<u>Creditor</u> <u>Basis for Classification</u> <u>Treatment</u>

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5.	Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term
	Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any
	existing default under 11 U.S.C. § 1322(b)(5).

A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

Creditor  Nation Star  Collateral  2114 Royall Avenue Richmond, VA 23224 Richmond City County Primary Residence Parcel ID: S0071582005	Regular Contract <u>Payment</u> <b>548.00</b>	Estimated Arrearage 14,600.00	Arrearage Interest Rate 0%	Estimated Cure Period 44 months	Monthly Arrearage Payment Prorata
--	--	-------------------------------	-------------------------------------	---------------------------------	--

**B.** Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract Estima	ed Interest	Term for	Arrearage
<u>Creditor</u>	<u>Collateral</u>	Payment Arreara	ge Rate	<u>Arrearage</u>	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
  - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

**B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly	Estimated
Creditor	Type of Contract	Arrearage	Payment for Arrears	Cure Period
-NONE-				

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- 7. Liens Which Debtor(s) Seek to Avoid.
  - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

**B.** Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

### 8. Treatment and Payment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
- The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:
  - I. Payment of Adequate Protection
  - All adequate protection payments set forth in Section 3.C are to be paid through the Trustee.
  - The Debtors shall pay regular post-petition contract payments to the creditors listed in Section 5.A., and such payments shall also constitute adequate protection payments to such creditors. Accordingly, the Trustee shall not pay adequate protection payments to creditors listed in Section 5.A.
  - No adequate protection payments are to be paid to any creditors unless the Plan provides for the payment of adequate protection of such claim(s) through the Trustee in Section 3.C. or directly by the Debtors in Section 5.A., or unless the Court orders otherwise.

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31, 2017	
inwande	/s/ Christopher J. Flynn VSB
ande	Christopher J. Flynn VSB 89165
	Debtor's Attorney
<b>July 31, 2017</b> , I mailed a cop	Certificate of Service of the foregoing to the creditors and parties in interest on the attached Service
/s/ C	ristopher J. Flynn VSB
	topher J. Flynn VSB 89165
Sign	ture
	Box 11588
	mond, VA 23230
Addı	ess
(804)	358-9900
Tele	hone No.
	Copy of Debtor(s)' Budget (Sch Matrix of Parties Served with F July 31, 2017 , I mailed a copy  /s/ Ch Chris Signa P. O. Richt Addre

Ver. 09/17/09 [effective 12/01/09]

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Fill	in this information to identify your ca	ase:							
	otor 1 Marketa Aki								
	otor 2				_				
Uni	ted States Bankruptcy Court for the	EASTERN DISTRICT	OF VIRGINIA		_				
	17-33795-KRH					Check if this is:  An amende  A supplement	ent showing		chapter
O	fficial Form 106I							llowing date:	
	chedule I: Your Inc	nme				MM / DD/ Y	YYY		12/15
sup spo atta	as complete and accurate as possiblying correct information. If you use. If you are separated and you ch a separate sheet to this form.	are married and not filir r spouse is not filing wi	ng jointly, and your s th you, do not includ	pouse i e inforr	s liv nati	ing with you, inclu on about your spo	ude inform use. If mo	nation about ore space is	your needed,
1.	Fill in your employment information.		Debtor 1			Debtor 2	or non-fil	ling spouse	
	If you have more than one job,	Employment status	☐ Employed			☐ Emplo	yed		
	attach a separate page with information about additional	Employment status	■ Not employed			☐ Not er	mployed		
	employers.  Include part-time, seasonal, or	Occupation	-						
	self-employed work.	Employer's name							
	Occupation may include student or homemaker, if it applies.	Employer's address							
		How long employed the	nere?						
Par	t 2: Give Details About Mor	thly Income							
	mate monthly income as of the dause unless you are separated.	ate you file this form. If y	you have nothing to re	port for a	any	ine, write \$0 in the	space. Inc	lude your nor	n-filing
,	u or your non-filing spouse have mo e space, attach a separate sheet to		ombine the information	for all e	mplo	oyers for that perso	n on the lir	nes below. If y	ou need
						For Debtor 1		otor 2 or ng spouse	
2.	List monthly gross wages, sala deductions). If not paid monthly, or			2.	\$	0.00	\$	N/A	
3.	Estimate and list monthly overti	me pay.		3.	+\$	0.00	+\$	N/A	
4.	Calculate gross Income. Add lin	ne 2 + line 3.		4.	\$	0.00	\$	N/A	

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Deb	otor 1	Marketa Akinwande	-	Case	e number (if known)	17-33	3795-KRH	
				Fo	r Debtor 1		Debtor 2 or	
	C	av line 4 have	4	Φ.	0.00		-filing spouse	
	Cot	by line 4 here	4.	\$_	0.00	\$	N/A	
5.	List	t all payroll deductions:						
	5a.	Tax, Medicare, and Social Security deductions	5a.	\$	0.00	\$	N/A	
	5b.	Mandatory contributions for retirement plans	5b.	\$	0.00	\$	N/A	
	5c.	Voluntary contributions for retirement plans	5c.	\$	0.00	\$	N/A	
	5d.	Required repayments of retirement fund loans	5d.	\$	0.00	\$	N/A	
	5e.	Insurance	5e.	\$	0.00	\$	N/A	
	5f.	Domestic support obligations	5f.	\$	0.00	\$	N/A	
	5g.	Union dues	5g.	\$	0.00	\$	N/A	
	5h.	Other deductions. Specify:	5h.+	\$	0.00	+ \$	N/A	
6.	Add	d the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	\$	0.00	\$	N/A	
7.	Cal	culate total monthly take-home pay. Subtract line 6 from line 4.	7.	\$_	0.00	\$	N/A	
8.	List 8a.	profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total		_				
		monthly net income.	8a.	\$_	0.00	\$	N/A	
	8b.	Interest and dividends	8b.	\$_	0.00	\$	N/A	
	8c.	Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c.	\$	0.00	\$	N/A	
	8d.	Unemployment compensation	8d.	\$	0.00	\$	N/A	
	8e.	Social Security	8e.	\$	0.00	\$	N/A	
	8f.	Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.  Specify: SNAP	8f.	\$	194.00	\$	N/A	
	8g.	Pension or retirement income	 8g.	\$	0.00	\$	N/A	
	8h.	Other monthly income. Specify: Roomate Contribution	8h.+		500.00	+ \$	N/A	
		Anticipated SSDI	_	\$	1,000.00	\$	N/A	
		Federal and State Tax Refunds - Amortized	_	\$	42.00	\$	N/A	
		Anticipated Roommate Contribution	_	\$	600.00	\$	N/A	
9.	Add	d all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	2,336.00	\$	N/A	
		•	_		, ,			İ
10.		culate monthly income. Add line 7 + line 9. If the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$		2,336.00 + \$		<b>N/A</b> = \$	2,336.00
11.	Incl othe Do	te all other regular contributions to the expenses that you list in Schedule ude contributions from an unmarried partner, members of your household, your er friends or relatives.  not include any amounts already included in lines 2-10 or amounts that are not excity:	depen				Schedule J. 11. +\$	0.00
12.		d the amount in the last column of line 10 to the amount in line 11. The reste that amount on the Summary of Schedules and Statistical Summary of Certainlies						2,336.00
13.		you expect an increase or decrease within the year after you file this form No.	?				monthly	
		Yes. Explain:						

Official Form 106I Schedule I: Your Income page 2

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Fill-i	n this informa	ation to identify yo	our case:			1		
Debt		Marketa Akir				Cho	ck if this is:	
Debt	OI I	Warketa Akii	nwande				An amended filing	
Debt								wing postpetition chapter
(Spo	use, if filing)						13 expenses as of	the following date:
Unite	ed States Bankr	ruptcy Court for the	: EASTE	RN DISTRICT OF VIRGIN	IA		MM / DD / YYYY	
Case (If kn		7-33795-KRH						
Of	ficial Fo	rm 106J						
		J: Your	 Exper	1SES				12/1
Be a	s complete rmation. If m ber (if know	and accurate as	s possible eded, atta ry questio	. If two married people ar ch another sheet to this				
1.	Is this a joir		,,,oid					
	■ No. Go to		in a separ	ate household?				
	□ N □ Y		st file Offici	al Form 106J-2, <i>Expense</i> s	for Separate House	ehold of Deb	otor 2.	
2.	Do vou have	e dependents?	■ No					
	Do not list D Debtor 2.	•	☐ Yes.	Fill out this information for each dependent	Dependent's relat Debtor 1 or Debto		Dependent's age	Does dependent live with you?
	Do not state	the						□ No
	dependents							☐ Yes
								□ No
								☐ Yes
								□ No □ Yes
							_	□ No
								☐ Yes
3.		penses include		No				
	•	f people other t d your depende		Yes				
expe	mate your ex	a date after the l	our bankr	y Expenses uptcy filing date unless y y is filed. If this is a supp				
the		h assistance an		government assistance i luded it on <i>Schedule I:</i> Y			Your exp	enses
4.		or home owners		ses for your residence. In	nclude first mortgag	e 4. S	\$	548.00
	If not includ	ded in line 4:						_
	4a. Real e	estate taxes				4a. \$	6	0.00
		erty, homeowner's	s, or renter	's insurance		4b.	·	0.00
	•	•		ıpkeep expenses		4c. \$	\$	40.00
_		owner's associat				4d.	·	0.00
5	Additional r	mortaade navme	ents for w	nur residence, such as ho	me equity loans	5	\$	0.00

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ebtor 1 _	Marketa Akinwande	Case num	ber (if known)	17-33795-KRH
. Utilitie:	s:			
6a. E	Electricity, heat, natural gas	6a.	\$	120.00
6b. V	Vater, sewer, garbage collection	6b.	\$	80.00
6c. 7	Felephone, cell phone, Internet, satellite, and cable services	6c.	\$	33.00
6d. (	Other. Specify:	6d.	\$	0.00
. Food a	nd housekeeping supplies		\$	300.00
. Childo	are and children's education costs	8.	\$	0.00
. Clothir	ng, laundry, and dry cleaning	9.	\$	65.00
0. Persor	nal care products and services	10.	\$	65.00
	al and dental expenses	11.	\$	100.00
2. Transp	ortation. Include gas, maintenance, bus or train fare.			040.00
	include car payments.	12.	·	219.00
	ainment, clubs, recreation, newspapers, magazines, and books	13.	\$	150.00
	able contributions and religious donations	14.	\$	20.00
5. <b>Insura</b> i				
	include insurance deducted from your pay or included in lines 4 or 20.	45-	<b>c</b>	
	ife insurance	15a.		0.00
	Health insurance	15b.		0.00
	/ehicle insurance	15c.		69.00
	Other insurance. Specify:	15d.	\$	0.00
Specify	Do not include taxes deducted from your pay or included in lines 4 or 20.  Personal Property	16.	\$	7.00
	ment or lease payments:		•	
	Car payments for Vehicle 1	17a.	·	0.00
	Car payments for Vehicle 2	17b.	·	0.00
	Other. Specify:	17c.	·	0.00
	Other. Specify:	17d.	\$	0.00
	ayments of alimony, maintenance, and support that you did not report as sed from your pay on line 5, <i>Schedule I, Your Income</i> (Official Form 106I).		\$	0.00
	payments you make to support others who do not live with you.		\$	0.00
Specify		19.		0.00
	real property expenses not included in lines 4 or 5 of this form or on Scho			
	Mortgages on other property	20a.		0.00
20b. F	Real estate taxes	20b.	\$	0.00
20c. F	Property, homeowner's, or renter's insurance	20c.	·	0.00
20d. N	Maintenance, repair, and upkeep expenses	20d.	\$	0.00
20e. H	Homeowner's association or condominium dues	20e.	\$	0.00
1. Other:	Specify: Miscellaneous Expenses	21.	+\$	150.00
2 Calcula	ate your monthly expenses			
	dd lines 4 through 21.		\$	1,966.00
	opy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2		\$	1,300.00
				4 000 00
22C. AC	dd line 22a and 22b. The result is your monthly expenses.		\$	1,966.00
3. Calcula	ate your monthly net income.			
23a. (	Copy line 12 (your combined monthly income) from Schedule I.	23a.	\$	2,336.00
	Copy your monthly expenses from line 22c above.	23b.	-\$	1,966.00
				•
	Subtract your monthly expenses from your monthly income.		œ.	270.00
٦	The result is your monthly net income.	23c.	Ф	370.00
For exame modification	expect an increase or decrease in your expenses within the year after you mple, do you expect to finish paying for your car loan within the year or do you expect you tition to the terms of your mortgage?			ease or decrease because o
No.				
☐ Yes	Explain here:			

Office of the US Trustee 701 E. Broad Street Room 4304 Richmond, VA 23219

DirecTV Attn: Bankruptcy Claims PO Box 6550 Englewood, CO 80155

Dominion Energy Virginia P.O. Box 26666 Richmond, VA 23261

MCV Physicians Billing Office RE: Bankruptcy PO Box 91747 Richmond, VA 23291-1747

Nation Star 350 Highland Drive Lewisville, TX 75067

Orlans PC P.O. Box 2548 Leesburg, VA 20177

VCU Health System PO Box 980462 Richmond, VA 23298